

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAUDO FOFANA,

Petitioner,

v.

ALBERTO GONZALES,

Respondent.

CASE NO. C06-869JLR

ORDER

This matter comes before the court on Petitioner's motion for a certificate of appealability under 28 U.S.C. § 2253(c) (Dkt. # 13) and his motion for extension of time (Dkt. # 15). Petitioner seeks to appeal the court's October 30, 2006 judgment denying his 28 U.S.C. § 2255 habeas corpus petition (Dkt. # 11).

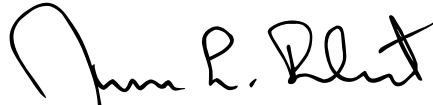
The court DENIES Petitioner's motion. The court entered judgment in this case because Petitioner has not yet exhausted the direct appeal of his underlying conviction. Petitioner's case does not present the "extraordinary circumstances" that would warrant an exception to the general rule prohibiting habeas review before a Petitioner has exhausted his direct appeal. The court finds that "reasonable jurists" could not "debate whether . . . the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." Slack v.

1 McDaniel, 529 U.S. 473, 484 (2000) (setting standard for granting a certificate of
2 appealability) (internal quotations omitted).

3 Because the Respondent did not file a brief opposing Petitioner's motion for
4 certificate of appealability, the court DENIES as moot petitioner's motion for extension
5 of time to reply to the brief.

6 As stated above, the court DENIES Petitioner's motion for certificate of
7 appealability (Dkt. # 13) and DENIES as moot Petitioner's motion for an extension of
8 time (Dkt. # 15).
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10 DATED this 8th day of December, 2006.

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14 JAMES L. ROBART
15 United States District Judge
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